

MINUTES OF REGULAR MEETING HELD SEPTEMBER 12, 2017

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 12, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members Arena, Neylan, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT:

Invocation was given by Councilman Stokes

PRESENTATIONS

Mayor made comments about the passing of longtime Westfield resident Betty List who served in many public capacities including serving as a Councilwoman.

Westfield First

Karen Golden – USONYC

Christine Cosenza of State Farm – 2 Elm Street

Raritan Valley Gyrotonic – 100 Elmer Street

Bill Heinbokel, Chairman of the Mayor’s Downtown Task Force attended meeting to update the public and Town Council on the accomplishments of the Mayor’s Downtown Task Force to date. He recited the twenty nine action items that have been accomplished since the initial report was issued in April and also spoke about other items that are still in progress. He indicated that the Task Force continues to monitor the local retail marketplace and observe national trends. He requested that the addendum to the initial Task Force report be posted to the Town’s website for the public to review.

APPOINTMENT

ADVERTISED HEARINGS**PENDING BUSINESS****BIDS****MINUTES**

On a motion by Councilman LoGrippe seconded by Councilman Arena, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held August 8, 2017, with Councilman Donnelly abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS**

Lynn Smith of 107 E. Broad Street spoke regarding parking when it snows since the Town ordinance prohibits parking on the street when snow covered with three or more inches until the street can be plowed. Ms. Smith complained about the ordinance when first introduced and said she did not have the option of parking in a friend or family member's driveway (she resides in an apartment in the downtown area) and wanted to know what she could do. It was explained to her at that time that this was the first year and the town was assessing the issue and what options it could provide. Ms. Smith was assured that the town would not be ticketing at this point and would only be issuing warnings. Ms. Smith again expressed her displeasure with the ordinance. The Town Administrator explained that he was aware that Ms. Smith had a Night Owl Permit and that the town would allow her to park where she normally does with the Night Owl Permit when the streets were snow covered. He further explained that Ms. Smith's landlord came to see him on Ms. Smith's behalf and this was explained to her a few weeks ago.

Greg Kasko of 434 Everson Place spoke about the Town's Sidewalk Café ordinance. He said that he put in an Open Public Records Act (OPRA) request for the applications and accompanying paperwork for several restaurants that had sidewalk café licenses. He said that when he comes to the microphone, he already knows the answers to his questions and just wants to see how he will be answered. He said that the town's ordinance mandates a six foot distance from where the chairs and tables are located to the curb and that the ADA only requires four feet so he didn't have an issue with four feet instead of six. He also said that he did not like the drawings that accompanied the applications as they did not detail the footage on the diagrams. He went on to say that many of the insurance certificates he had in his possession were expired already (which is common since the insurance certificates expire at different times throughout the year even though they are current when submitted and are ultimately renewed). He then said that he understood that anyone running for Council needs to live in the Town of Westfield and asked one of the council members if he only resided in Westfield. When the council member stated that Westfield was his only residence, Mr. Kasko asked if it was his parent's house to which the council member responded in the affirmative.

BILLS AND CLAIMS

Introduced by Councilwoman Neylan, seconded by Councilman Stokes were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$1,336,360.95 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:**Finance Policy Committee**

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Finance Policy Committee, seconded by Councilman Arena were unanimously adopted.

(207) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$17.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2017.

(208) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Samantha Calandra	T05-600-071	Summer Playground	\$100.00
36 Mohawk Trail		Nicholas	
Westfield, NJ 07090			

(209) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016-2017:

Block/Lot/Qualifier

<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
701/42	272 Seneca Place	\$2,274.97
FLEMING, Kirk G		
1103/14	252 Sinclair Place	\$4,037.36

NELSON, Lois

3501/42	121 Benson Place	\$2,376.94
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Pete & Ben, LLC

Check payable and mail to:

Two River Community Bank
Attention: Loan Operations Dept
766 Shrewsbury Avenue
Tinton Falls, NJ 07724

5402/38	1549 Lamberts Mill Road	\$4,449.98
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MILLER, Edward

(210) RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2012-2015 pursuant to the Tax Court of New Jersey:

Block/Lot			
Name	Address	Year	Amount
3202/13	516 North Avenue East	2012	\$8,648.20
		2013	\$9,001.30
		2014	\$9,412.70
		2015	<u>\$9,733.90</u>
			\$36,796.10
3202/15.01	526 North Avenue East	2012	\$5,503.40
		2013	\$5,728.10
		2014	\$5,989.90
		2015	<u>\$6,194.30</u>
			\$23,415.70

Checks payable to:

Michael A Vespasiano, Attorney Trust Account

Mail to:

Law Office of Michael A Vespasiano
331 Main Street
Chatham, NJ 07928

(211) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at 116 Euclid Avenue South (Block 3109, Lot 5) (a) for the year 2014 shall be changed to \$375,000, (b) for the years 2015 and 2016 shall be changed to \$332,500, and (c) for the year 2017 shall be changed to \$325,000.

(212) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at 421 Central Avenue (Block 3206, Lot 1) (a) for the years 2016 and 2017 shall be changed to \$400,000 and (b) for the year 2018 shall be changed to \$335,000.

Regarding the following ordinance, Councilwoman Neylan, made the following announcement:

I hereby move that an ordinance entitled, "SPECIAL ORDINANCE NO. 2209 AN ORDINANCE OF THE TOWN OF WESTFIELD IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$700,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWN"

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of September 2017 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Della Fera.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena

Nays:

Absent:

Neylan

LoGrippe

Loughlin

Della Fera
Donnelly
Oliveira
Stokes
Mayor Skibitsky

Public Safety, Transportation and Parking Committee

Regarding the following ordinance, Councilman Loughlin, Chairman of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2087
AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER
13”

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of September 2017 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGrippe.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent:
Neylan		
LoGrippe		
Loughlin		
Della Fera		
Donnelly		
Oliveira		
Stokes		
Mayor Skibitsky		

Code Review & Town Property Committee

The following resolution, introduced by Councilman Della Fera, Chairman of the Code Review and Town Property Committee, seconded by Councilwoman Neylan were unanimously adopted.

(213 RESOLVED that the following application for children's amusement devices be approved:

Seashore Amusements	Fall Festival	Jackie Sieb
11 Hendry Lane	September 24, 2017	11 Hendry Lane
Brick, NJ 08723	Elm & Broad Street	Brick, NJ 08723
	10:00AM-5:00PM	

Public Works Committee

The following resolution, introduced by Councilman Oliveira, Chairman of the Public Works Committee, seconded by Councilman Neylan were unanimously adopted.

(214) WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2016 Various Road Improvements as authorized by the Special Ordinance 2203A, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Special Ordinance 2203A, under Purchase Order 16-02541.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 3 in the amount of \$21,090.00 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 3, for the 2016 Various Road Improvements increasing the contract price to \$669,214.45.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$117,199.00 for the month of August 2017 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$6,550.50 representing monies collected during the month of August 2017.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$69,115.38 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of August 2017 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$2,121.20 during the month of August 2017 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in August 2017 in the amount of \$4,211.00 was received, read and ordered filed.

Upon motion by Councilman Donnelly, seconded by Councilman LoGrippo the meeting was adjourned at 9:17 p.m.

Claire J. Gray

Town Clerk